

Re. : Amendment and Response to Office Action Mailed April 23, 2008
Appl. No. : 10/669,740
Filed : September 24, 2003

II. REMARKS

Claims 1, 2, 5-7, 9, 10 and 12-16 are pending in the application and the Office Action rejected Claims 1, 2, 5-7, 9, 10 and 12-16. By the foregoing amendments, Applicants amended Claims 1, 9, 10, 12 and 13 to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. Applicants believe that Claims 1, 2, 5-7, 9, 10 and 12-16 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' discussion and understanding of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

A. Response to the Section 103(a) Rejection

The Office Action rejected Claims 1, 2, 5-7, 9, 10 and 12-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0233967 to Lin. Specifically, the Office Action stated the following:

Lin publication teaches a table (1) with a table top. The table top has a top surface and a bottom surface. A mounting structure (12) is centrally disposed on

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the bottom surface. The mounting structure (12) includes a first generally c-shaped portion (A', I', K') including a center section (A') that is defined by the grooves (13), a first end portion (K') and a second end portion (I'). The mounting structure (12) includes a second generally c-shaped portion (B', J', L') including a center section (B') defined by the grooves (13), a first end portion (L'), and a second end portion (J'). Even though there are grooves between and defining the end portions from center sections, the bottoms of the grooves are still raised from the bottom surface of the tabletop and therefore the end portions are considered connected to the center sections. A box-like region is disposed in the bottom surface of the tabletop as defined by the parts of mounting structures as seen in figure 1. A support assembly (26, 27) is partially connected to the mounting structure (12). The center sections (A', B') have a surface that is generally perpendicular to the bottom of the table where the elongated supports (E', F') are attached. Both attachment surfaces are taught as being generally round which are considered to have portions that are generally/at least substantially planar due to the term "generally" and now the equivalent phrase "at least substantially" being viewed in the broadest reasonable interpretation to encompass a semicircular surface. The support assembly comprises a first elongated support member (E') attached to the center section (A') of the first generally c-shaped portion (A', I', K') of the mounting structure (12) (and a spaced apart second elongated support member (F') attached to the center section (B') of second generally c-shaped portion (B', J', L') of the mounting structure (12). A first connecting member

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(G') is connected to the first support member (E') and the second support member (F'). A frame assembly has a first leg (23), which is attached to the first end of a first support brace (25). The second end of the first support brace is attached to the first connecting member (G') of support assembly (26, 27). The mounting structure (12) comprises a pair of c-shaped mounting rides (A', B') formed in the first portion (A', C') and the second portion (B', D') of the mounting structure (12) is formed integrally with the table top. The table top is formed of blow-molded plastic. A second connecting member (H') is connected to the first support member (E') and the second support member (F'). A second leg (23) is movable between a use position and a storage position. A second support brace (25) includes a first portion and a second portion. The first portion is attached to the second leg (23) and the second portion is attached to the second connecting member (H') of the support assembly (26, 27).

The Office Action acknowledged that the Lin publication does not expressly disclose a first and second connecting member connected to a center section of the first support member and a center section of the second support member, and first and second openings in the first and second elongated support members to allow for the connection of the first and second connecting members. The Office Action states that, as seen in Figure 1, the first and second connecting members are connected to the ends of the first and second support members. The Office Action contends that at the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the table of Lin by making the connecting members shorter and the support members longer since applicant has not disclosed that having the first and second

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connecting member connected to a center section of the first support member and a center section of the second support member solves any stated problem or is for any particular purpose and it appears that the support assembly would perform equally well with the first and second connecting members are connected to the centers of the first and second support members since it is functionally equivalent and works equally well.

The Office Action also contended that, as ascertained from Figures 1-3, it appears that openings on the connecting members receive the elongated support members. The Office Action contends that it would have been obvious for a person of ordinary skill in the art to modify the support assembly of Lin by having the openings on the elongated support members to receive the connecting members since Applicant has not disclosed that having the openings on the elongated support members solves any stated problem or is for any particular purpose and it appears that the support assembly would perform equally well with the openings on the elongated support members to receive the connecting members since it is functionally equivalent and works equally well.

Further, the Office Action stated that Applicant's arguments filed on 2/19/08 have been fully considered but they are not persuasive. The Office Action stated both attachment surfaces of the elongated support (E', F') and the center section (A', B') of Lin are taught as being generally round which is considered to have portions that are generally/at least substantially planar due to the term "at least substantially" being viewed equivalent to the term "generally" and when viewed in the broadest reasonable interpretation to encompass a semicircular surface.

Applicants respectfully traverse this rejection because the Lin publication patent fails to teach, suggest or disclose each and every limitation of Claims 1, 2, 5-7, 9, 10 and 12-16.

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Nevertheless, as mentioned above, in order to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended independent Claims 1, 10 and 13.

Claim 1

Applicants amended Claim 1, *inter alia*, to provide “wherein no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly.” Applicants also amended Claim 1 to provide “wherein no portion of the mounting structure contacts the first connecting member of the support assembly between the first elongated support member and the second elongated support member of the support assembly.” Applicants further amended Claim 1 to provide “wherein the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.”

Thus, Claim 1 positively recites no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly. In addition, Claim 1 positively recites no portion of the mounting structure contacts the first connecting member of the support assembly between the first elongated support member and the second elongated support member of the support assembly. Claim 1 further positively recites the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

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The Lin publication, however, does **not** teach, suggest or disclose, for example, that no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly. The Lin publication also does **not** teach, suggest or disclose that no portion of the mounting structure contacts the first connecting member of the support assembly between the first elongated support member and the second elongated support member of the support assembly. Finally, the Lin publication does **not** teach, suggest or disclose that the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

Accordingly, Applicants respectfully submit that Claim 1 is allowable and request that this Section 103(a) rejection be withdrawn. In addition, Applicants respectfully submit that the rejection of dependent Claims 2, 5-7 and 9 be withdrawn at least because these claims are dependent upon amended Claim 1.

Claim 10

Applicants amended Claim 10, *inter alia*, to provide “wherein no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly.” Applicants also amended Claim 10 to provide “wherein no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly.” Applicants further amended Claim 10 to provide “wherein the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a

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generally planar configuration with no outwardly extending portions.”

Thus, Claim 10 positively recites no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly. In addition, Claim 10 positively recites no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly. Claim 10 further positively recites the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

The Lin publication, however, does **not** teach, suggest or disclose that no portion of the mounting structure is disposed between the first elongated support member and the second elongated support member of the support assembly. The Lin publication also does **not** teach, suggest or disclose that no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly. Finally, the Lin publication does **not** teach, suggest or disclose that the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

Accordingly, Applicants respectfully submit that Claim 10 is allowable and request that this Section 103(a) rejection be withdrawn. In addition, Applicants respectfully submit that the rejection of dependent Claim 12 be withdrawn at least because this claim is dependent upon amended Claim 10.

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Claim 13

Applicants amended Claim 13, *inter alia*, to provide “wherein no portion of the mounting structure is disposed between the first support member and the second support member of the support assembly.” Applicants also amended Claim 13 to provide “wherein no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly.” Applicants further amended Claim 13 to provide “wherein the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.”

Thus, Claim 13 positively recites no portion of the mounting structure is disposed between the first support member and the second support member of the support assembly. In addition, Claim 13 positively recites no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly. Claim 13 further positively recites the bottom surface of the table top disposed between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

The Lin publication, however, does **not** teach, suggest or disclose, for example, that no portion of the mounting structure is disposed between the first support member and the second support member of the support assembly. The Lin publication also does **not** teach, suggest or disclose that no portion of the mounting structure is disposed between the first connecting member and the second connecting member of the support assembly. Finally, the Lin publication does **not** teach, suggest or disclose that the bottom surface of the table top disposed

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between the first generally C-shaped portion and the second generally C-shaped portion of the mounting structure has a generally planar configuration with no outwardly extending portions.

Accordingly, Applicants respectfully submit that Claim 13 is allowable and request that this Section 103(a) rejection be withdrawn. In addition, Applicants respectfully submit that the rejection of dependent Claims 14-16 be withdrawn at least because these claims are dependent upon amended Claim 13.

III. CONCLUSION

In view of the foregoing, Applicant submits that Claims 1, 2, 5-7, 9, 10 and 12-16 are allowable over the cited references and are in condition for allowance. Accordingly, Applicant requests that a Notice of Allowance be promptly issued.

If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: July 23, 2008

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